
OLR Bill Analysis

sSB 1139

AN ACT CONCERNING CHANGES TO PROGRAM APPROVAL FOR INSTITUTIONS OF HIGHER EDUCATION.

SUMMARY:

This bill modifies the academic program approval process for independent higher education institutions, which is administered by the Office of Higher Education (OHE). It requires an expedited review process of applications for certain program changes and specifies criteria under which OHE may conduct a focused or on-site review of an application. It establishes nine-member academic review commissions to review and adjudicate appeals of licensure or accreditation denials.

Under current law, the State Board of Education (SBE) must give final approval to OHE's decisions concerning licensure and accreditation of independent higher education institutions and programs. The bill instead requires OHE to make the final decisions, including holding hearings requested by certain aggrieved parties. However, other sections of the law, unchanged by the bill, maintain SBE's approval authority (see COMMENT).

The bill eliminates (1) a provision allowing OHE to establish an advisory council on accreditation to advise it on existing or proposed regulations; (2) a requirement that an evaluation of a program or institution be completed by SBE-appointed competent educators before a new license or accreditation is granted; and (3) an obsolete provision that allowed an existing institution to be issued a temporary, annually renewable one-year license.

EFFECTIVE DATE: July 1, 2013

REVIEW STANDARDS

By law, any independent higher education institution seeking to

operate in Connecticut or offer a new degree program must receive approval from OHE (and, under current law, final approval by SBE). The institution must follow a process outlined in OHE regulations that generally includes (1) a planning assessment to evaluate the need for the program and the adequacy of resources; (2) a quality assessment, which is based on either a review of written material or a site visit, and which may be concurrent with the planning assessment; (3) review by the Advisory Committee on Accreditation; and (4) review and action by SBE (Conn. Agencies Reg., § 10a-34-4).

SBE can license a program or simultaneously license and accredit it. A license allows the program to begin operations and admit students, but not to grant degrees. In order to grant degrees, a licensed program must attain accreditation

The bill creates new review standards for program modifications, nonsubstantive changes, and substantive changes.

Definitions

Under the bill, a “program modification” is a change that does not clearly qualify as a new program or nonsubstantive change, such as (1) a new program consisting primarily of coursework from a previously approved program; (2) an approved program to be offered off-campus; (3) a change in a degree title, or (4) a change in a program title.

A “nonsubstantive change” is a new (1) undergraduate certificate program of 30 or fewer semester hours that falls under an approved program, (2) baccalaureate minor of 18 or fewer semester credit hours, or (3) option or certificate program of (a) 15 or fewer semester credit hours at the undergraduate level or (b) 12 or fewer semester credit hours at the graduate level.

A “substantive change” is one that is not nonsubstantive or that is not a new program. It is unclear how a substantive change differs from a program modification.

OHE Review

The bill requires OHE to consider academic standards established in

existing regulations (e.g., faculty and curriculum requirements) when reviewing all applications for substantive and nonsubstantive changes, licensure, and accreditation (but apparently not program modifications).

Although the bill does not explicitly require OHE to review program modifications, it specifies that any program modification must be deemed approved if it meets all of the academic standards in existing regulations. It also deems approved any nonsubstantive change to an existing program (but presumably not other nonsubstantive changes). It does not specify how OHE must process substantive changes. OHE must notify the institution of the approval within 30 days of receiving the application. This appears to conflict with the review authority that OHE possesses under existing law (see COMMENT).

The bill requires the OHE executive director or a designee to conduct a focused or on-site review of an application if the director or designee determines that it is needed due at least in part to the applicant offering instruction in a new degree program or a new degree level. It is unclear if focused or on-site reviews can be conducted for other reasons (e.g., for a new certificate program), as the bill does not specify a process for handling applications that meet neither the criteria for (1) receiving expedited approval nor (2) triggering a focused or on-site review.

The bill allows the applicant to state any objection regarding an individual chosen to review an application on behalf of the OHE executive director. It allows the OHE executive director or designee to require a focused or on-site review of any application in a health-related field where a license to practice in Connecticut is required.

The bill requires an on-site review of a new institution once OHE determines that its licensure application is complete. Each program must be reviewed at the institutional level, and it appears that OHE's decisions can be appealed to an academic review commission (see below). OHE must complete the review process within nine months of

receiving the application.

Accreditation by Another Entity

Under current law, institutions that are regionally or nationally accredited must have that accreditation accepted by OHE unless there is cause not to rely on it. The bill specifies that the requirement to accept national accreditation applies only to those institutions accredited before July 1, 2013. It also requires OHE to deem accredited any program for which evidence of programmatic accreditation is presented (e.g., accreditation by a professional association).

ACADEMIC REVIEW COMMISSIONS

The bill allows institutions to appeal any denial of a licensure or accreditation application to a nine-member academic review commission. They must do so within 10 days of the denial.

The bill requires OHE to establish the commissions, which must be selected from a 25-member panel composed of five appointments each from the governor and the House and Senate majority and minority leaders. Each appointing authority must select representatives from both higher education and business and industry, but no more than three from either category. The bill does not establish a term length for the appointees but, under existing law, it appears that they would serve at the pleasure of the appointing authority, but no later than the appointing authority's term of office (CGS § 4-1a).

The bill requires the OHE executive director or a designee to select a commission for each individual appeal. Each commission must have (1) one representative from each appointing authority and (2) a total of five business and industry representatives and four higher education representatives. It has 30 days from the date of the appeal to review and adjudicate it.

COMMENT

SBE's Role in Program Approval

Under current law, SBE must give final approval to OHE's decisions concerning licensure and accreditation of independent higher

education institutions. The bill removes this authority in some instances. However, existing law, unchanged by the bill, has numerous provisions that require final approval by SBE (e.g., CGS § 10a-1d).

OHE Review Authority

The bill requires an expedited approval process for certain academic program changes sought by independent institutions. However, existing law allows OHE to conduct, without time constraints, any necessary review, inspection, or investigation regarding (1) an institution's application for licensure or accreditation or (2) possible violations of the licensure and accreditation laws and regulations (CGS § 10a-34e).

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 16 Nay 3 (03/26/2013)